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09/653,810	09/01/2000	Katherine G. August	LUT 2 0034	5991

48116 7590 03/20/2007
FAY SHARPE/LUCENT
1100 SUPERIOR AVE
SEVENTH FLOOR
CLEVELAND, OH 44114

EXAMINER

LUU, LE HIEN

ART UNIT	PAPER NUMBER
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2141

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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Technology Center 2100

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/653,810
Filing Date: September 01, 2000
Appellant(s): AUGUST ET AL.

Thomas Tillander
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on 12/13/2006 appealing from the Office action mailed on 03/24/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,901,287

Bull et al.

05/1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1-18 are presented for examination.
2. Newly submitted claim 18 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: New claim 18 directed to a management of transaction information including at least one of sending electronic bill pay information to a vendor or service provider, monitoring email traffic in anticipation of an arrival of a bill, correlating a bill with calendar events, thereby associating the bill with an appropriate book keeping category, preparing portions of expense vouchers, allowing a user to group items together as a transaction, automatically connecting entities into a representation of a transaction. This newly claimed invention distinct from and independent of the invention previously claimed.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 18 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Applicant can file a division application for the new claim 18 for further consideration.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless—

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-17 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Bull et al. (Bull) patent no. 5,901,287.

5. As to claim 1, Bull teaches the invention as claimed, including an enterprise information and communication system comprising:

at least one database (all datastores in Bull's teaching col. 9 line 42 - col. 10 line 20);

a transaction management engine operative to manage transaction information and move the transaction information to and from the database (col. 11 lines 64-67);

an access management engine for maintaining security of the system wherein the access management engine is operative to hold records of at least one user and associates of the user and information (user profile datastore 210) regarding the user to which the at least one user and associates have shared access, and to provide permission for accessing the information regarding the user to the user and associates of the user and to deny permission for accessing the information regarding the user to others (col. 6 line 25 - col. 7 line 57; col. 8 lines 23-64; col. 10 lines 35-38; col. 11 lines 11-14; col. 14 lines 11-32; the user and advertisers have shared access to user profile datastore 210 via user access system 100);

an information mining engine operative to sort information within the at least one database and to locate information stored on remote devices (col. 6 lines 37-56; col. 7 line 59 - col. 8 line 15); and

an input control engine operative to maintain and use device drivers accepting and managing input from the user through the associated devices (col. 3 lines 26-42; col. 13 lines 9-31).

6. As to claim 2 Bull teaches a profile manager operative to store and analyze information in the at least one database about the at least one user and about devices associated with the system (col. 8 line 59 - col. 9 line 39).

7. As to claim 3 Bull teaches a time management engine operative to maintain control of time sensitive events and information in the at least one database and to

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generate messages regarding time sensitive information (col. 8 lines 17-22; col. 12 lines 13-16).

8. As to claims 4-6, Bull teaches translation engine, provisioning engine, control operative to negotiate and allocate information and communication system resources (col. 9 line 37 - col. 10 line 20).

9. As to claim 7, Bull teaches a central communication device operative to access the at least one database and at least one of the transaction management engine, access management engine, and for communicating with a local network (col. 9 line 37 - col. 11 line 67).

10. As to claim 8-11, Bull teaches a plurality of input devices and output devices linked to the central communication device (col. 3 lines 26-42; col. 4 lines 6-14).

11. Claims 12-17 have similar limitations as claims 1-11; therefore, they are rejected under the same rationale.

(10) Response to Arguments

(I) Applicant argues that the prior art does not teach or suggest of a user and associates of a user having shared access to information stored in a database of an enterprise information and communication system.

As to point (I), Bull teaches user access system for authenticating user and advertisers, and Bull's system hold records of users and advertisers (user profile datastore 210 which contains data about users, preferences, situational preferences, accounting information, psychographic profile, personal profile, and other relevant information related to the user by individual identifier, col. 10 lines 35-38) and information regarding the user to which the user and the advertisers have shared access to information stored in a database of information and communication system (the user is allowed to create and update user's own profile which is stored in the user profile datastore 210; the advertisers have access to the user profile data store 210 and known information about the user is included in advertising activity datastore 260; col. 6 line 25 - col. 7 line 57; col. 8 lines 23-64; col. 10 lines 35-38; col. 11 lines 11-14; col. 14 lines 11-32).

In page 23 line 4 – page 24 line 34 of Applicant's specification, Examiner notes that when customer uses his or her computer to view information of a car dealership. Customer's browsing patterns have been collected and stored in customer profile, and the customer is provided with advertisement information from the car dealership. Applicant considered the car dealership or advertiser is associate of the user.

Therefore, **"the advertiser"** of Bull's teaching is read on to applicant's limitation **"associate of the user"**.

(II) Applicant argues the prior art does not teach an information receiver

operative to review and possibly store information pushed at the information and communication system from outside the information and communication system.

As to point (II), Bull teaches user receives and views Ads/Coupons inserted to displayed data from ad datastore 250. In addition, Bull teaches each Ad/Coupon appended to information aggregation and synthesization system along with information about user is stored in advertising activity datastore. Moreover, the Ads/Coupons data is inserted or pushed at the user's system from advertiser's ad datastore 250 (col. 8 lines 23-30 and lines 59-64).

(III) The withdrawal of claim 18 is improper.

As to point (III) Examiner stated that Newly submitted claim 18 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: New claim 18 directed to a management of transaction information including at least one of sending electronic bill pay information to a vendor or service provider, monitoring email traffic in anticipation of an arrival of a bill, correlating a bill with calendar events, thereby associating the bill with an appropriate book keeping category, preparing portions of expense vouchers, allowing a user to group items together as a transaction, automatically connecting entities into a representation of a transaction. This newly claimed invention distinct from and independent of the invention previously claimed.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for

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prosecution on the merits. Accordingly, claim 18 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Applicant can file a division application for the new claim 18 for further consideration.

However, Examiner agrees to withdraw the restriction requirement of claim 18 because applicant's petition for withdrawal of restriction has been granted by Office of Petitions.

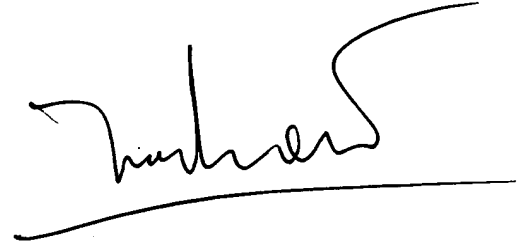
Therefore, Examiner agrees to allow claim 18.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.


For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


A handwritten signature in black ink, appearing to read 'Le Hien Luu', written over a horizontal line.

LE HIEN LUU
PRIMARY EXAMINER

Conferees:

A handwritten signature in black ink, appearing to read 'Rupal Dharia', written over a horizontal line.

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to read 'Jason Cardone', written over a horizontal line.

JASON CARDONE
SUPERVISORY PATENT EXAMINER